

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

JOSE ALBERTO MARTINEZ
HERNANDEZ, AGUSTIN VALERIANO,
and PRIXCO SORIANO, *individually and
on behalf of others similarly situated,*

Docket No.: 17-cv-2176(ALC)

Plaintiffs,

~~**PROPOSED**~~
CERTIFICATE OF DEFAULT

-against-

EAST WINGERS INC. (d/b/a BEST
WINGERS) and KUNJ PATEL,

Defendants.

-----X

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on March 24, 2017 with the filing of the Complaint (Dkt. No. 1); Defendant Kunj Patel was served on April 3, 2017, by personally serving Manisha Smith, a person of suitable age and discretion, pursuant to N.Y. C.P.L.R § 308(2); and proof of such service on said Defendant was filed on April 21, 2017. (Dkt. No. 8); that a First Amended Complaint was filed on September 29, 2017 (Dkt. No. 29), that Defendants' former counsel accepted service of the First Amended Complaint on October 3, 2017 (Dkt. No. 34).

On May 31, 2022, the Court issued an order relieving defense counsel as attorneys and staying the within action for thirty (30) days to allow Defendants to obtain new counsel and for that new counsel to file a Notice of Appearance. (Dkt. No. 125). On August 17, 2022, the Court issued an order, granting Plaintiffs' application for leave to file a default motion as to all Defendants on the grounds that the thirty (30) day period had lapsed and new counsel had not appeared on behalf of any of the Defendants. To date, Defendant Kunj Patel has not communicated

to the Court his intention to defend this matter *pro se*.

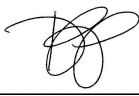
I further certify that the docket entries indicate that no new counsel has filed a Notice of Appearance on behalf of Defendant Kunj Patel in accordance with the May 31, 2022 Order herein and is hereby in default. The default of Defendant Kunj Patel is hereby noted.

Dated: New York, New York

August 23, 2022

RUBY J. KRAJICK

Clerk of the Court

By: 
Deputy Clerk